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NO FEE - GOV'T CODE §6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10 BC 705699

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 CASE NO.:

13 Plaintiff,

14 **COMPLAINT FOR ABATEMENT**
15 **AND INJUNCTION**

16 vs.
17 RAMON CAMPOS ROBLEDO, an individual;
18 EVANGELINA ROBLEDO, an individual; OSCAR
19 ROBLEDO, an individual; and DOES 1 through 50,
20 inclusive,

21 [HEALTH & SAFETY CODE SECTION
22 11570, ET SEQ.; CIVIL CODE
23 SECTION 3479, ET SEQ.]

24 (Unlimited Action)

25 Defendants.

26 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

27 I. **INTRODUCTION**

28 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
State of California (the "People"), for the purpose of abating, preventing and enjoining a
narcotics-related public nuisance that exists at a duplex located in East Los Angeles with an
address commonly known as 1119 and 1121 South Dacotah Street, Los Angeles CA 90023
(the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"),
California Health and Safety Code section 11570, et seq. and the Public Nuisance Law
("PNL"), Civil Code sections 3479-3480. The Property is within 814 feet of the Ramon D.

1 Garcia Recreation Center where children play basketball and other activities.

2 2. The Property, located in the Los Angeles Police Department's ("LAPD")
3 Hollenbeck Division, has been, and continues to be, a narcotics nuisance where the sale of
4 methamphetamine and other controlled substances takes place on a regular and continuous
5 basis to steady streams of buyers who walk and/or drive up to the rear of the Property to
6 purchase drugs. The Property has, and continues to have, a well-known reputation in the
7 surrounding community and with LAPD as a prominent narcotics sales location. During the
8 past year, law enforcement has made nine narcotics-related arrests and/or controlled
9 narcotics buys, at or connected to the Property, and served one search warrant which
10 resulted in the recovery of narcotics, a firearm, and other dangerous weapons.

11 3. Defendants Ramon Campos Robledo ("R. Robledo") and Evangelina Robledo
12 ("E. Robledo") (jointly as "Robledo Defendants"), husband and wife, have owned the Property
13 since at least November 18, 1992. Robledo Defendants' son, Defendant Oscar Robledo ("O.
14 Robledo"), age 33, has lived at the Property since at least 2002. Defendant O. Robledo is
15 one of the primary individuals selling drugs at the Property and has been arrested once at the
16 Property for criminal threats and narcotics-related offenses.

17 4. On April 6, 2018, Defendant O. Robledo threatened a neighbor, telling him he
18 was going to die during a verbal dispute. A few minutes later, O. Robledo fired six rounds
19 from a black long rifle at the neighbor's vehicle parked in the alley behind the Property. On
20 April 13, 2018, law enforcement served a search warrant at the Property. During its
21 execution, officers recovered 6.43 gross grams of methamphetamine, a large plastic bag
22 containing smaller Ziploc baggies, a black air soft rifle, two rifle scopes, a cane with a hidden
23 compartment in the handle containing a fixed edged blade, a stainless steel .45 semi-
24 automatic handgun with a loaded magazine, a digital scale, three machetes, and a ballistic
25 vest. Defendant O. Robledo was arrested for criminal threats, possession of a controlled
26 substance (methamphetamine), possession of a loaded firearm, possession of a concealable
27 firearm by an addict (self-claimed methamphetamine user), possession of a controlled
28 substance while armed with a loaded handgun, receiving stolen property, grossly negligent

discharge of a BB device, and vandalism.

5. Plaintiff is filing this lawsuit in an effort to protect public safety. The people in the surrounding area cannot be expected to perpetually endure this ongoing dangerous activity. The nuisance abatement prosecution is intended to bring the unacceptable state of affairs at the Property to a halt; to make the Property inhospitable to the drug dealers and buyers who now freely use it to deal narcotics; and to make the Property safe for people in the area.

II. THE PARTIES AND THE PROPERTY

A. Plaintiff

6. Plaintiff, the People, is the sovereign power of the State of California designated in California Health and Safety Code section 11571 and Code of Civil Procedure section 731 to be the complaining party in actions brought to abate, enjoin, and penalize public narcotics nuisances.

B. The Defendants

7. The Robledo Defendants are the owners of the Property and have been since at least November 18, 1992. Plaintiff is informed and believes and thereon alleges that the Robledo Defendants reside at the Property with their son Defendant Oscar Robledo.

8. Defendant O. Robledo is the adult son of the Robledo Defendants and has been residing at the Property since at least 2002. Defendant O. Robledo is directly involved in the narcotics activity at the Property and is storing dangerous weapons, including a handgun, at the Property. Defendant O. Robledo was charged with Penal Code section 422(A), Criminal Threats, and Health and Safety Code section 11370.1 (A), Possession of a Controlled Substance while Armed with a Firearm, both felonies, for the April 13, 2018 search warrant and subsequent arrest.

9. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. When the true names and capacities of said defendants have been ascertained, Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious

1 names the true names and capacities of said fictitiously named defendants.

2 **C. The Property**

3 10. The Property is a duplex located at the commonly known address of 1119 and
4 1121 South Dacotah Street, Los Angeles, CA 90023.¹ It consists of two separate residences
5 located on the same parcel in a quiet residential neighborhood. There is a shed located to the
6 rear of the Property, near the alley, where drugs and weapons were found during service of
7 the search warrant.

8 **III. THE NARCOTICS ABATEMENT LAW**

9 11. The abatement of a nuisance is a long-established and well-recognized exercise
10 of the state's police power. (*People v. Barbiere* (1917) 33 Cal.App. 770, 775; *People ex rel.*
11 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
12 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of
13 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
14 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
15 division . . ." (Health & Saf. Code, § 11570).

16 12. The NAL provides that every building or place used for the purpose of unlawfully
17 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
18 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
19 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
20 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
21 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

22 13. Health and Safety Code section 11571 authorizes a city attorney to bring an
23 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
24 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
25 maintained, or exists in any county, the district attorney of the county, or the city attorney of
26 any incorporated city or of any city and county, in the name of the people, may . . . maintain

27
28 ¹ The Property's legal description is "Lot 5, 6, 8 and 10 in Block 4 of Panorama Tract, in the City of Los Angeles,
in the County of Los Angeles, State of California, as per map recorded in Book 6, Page(s) 167 of Maps, in the
Office of the County Recorder of said County," with Assessor's Parcel Number 5190-009-031.

1 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting
2 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
3 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

4 14. Health and Safety Code section 11573(a) provides that: "If the existence of the
5 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
6 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
7 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
8 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
9 removal and sale of all fixtures and movable property on the premises used in aiding or
10 abetting the nuisance and for the closure of the building for up to one year.

11 IV. THE PUBLIC NUISANCE LAW

12 15. Civil Code section 3479 defines a public nuisance as "[a]nything which is
13 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
14 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
15 interfere with the comfortable enjoyment of life or property . . ." (See *City of Bakersfield v.*
16 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
17 'nuisance' in Civil Code section 3479 . . ."].)

18 16. Civil Code section 3480 defines a public nuisance as "one which affects at the
19 same time an entire community or neighborhood, or any considerable number of persons,
20 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

21 17. Civil Code section 3491 provides that the "remedies against a public nuisance
22 are indictment or information, a civil action or abatement." Abatement is "accomplished by a
23 court of equity by means of an injunction proper and suitable to the facts of each case."
24 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

25 18. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
26 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be
27 brought in the name of the people of the State of California to abate a public nuisance . . . by
28 the city attorney of any town or city in which such nuisance exists."

1 19. Where "a building or other property is so used as to make it a nuisance under
2 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
3 knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel.*
4 *Bradford v. Barbiere* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.*
5 (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without
6 negligence"]; *People v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on
7 findings that such nuisance was conducted and maintained on the premises in question,
8 regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of
9 the owner . . . is unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not
10 necessary . . . for the trial court to find either, that the [defendants] threatened, and unless
11 restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the
12 building was used in violation of the act. . . . The existence of the nuisance was the ultimate
13 fact in this case, and having been found, supports the judgment."].) This is because "the
14 object of the act is not to punish; its purpose is to effect a reformation of the property itself."
15 (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

16 **V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

17 **[Health and Safety Code Section 11570, et seq. --**

18 **Against Defendants and DOES 1 through 50]**

19 20. Plaintiff hereby incorporates by reference paragraphs 1 through 19 of this
20 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

21 21. The general reputation of the Property in the community and amongst law
22 enforcement is that it is a location where the sale of methamphetamine and other controlled
23 substances takes place on an open and regular basis by resident Oscar Robledo and others.
24 Since at least March 2017, the Property has been, and is *currently* being used for the
25 purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away
26 controlled substances in violation of Health and Safety Code section 11570, et seq. The
27 Property is being used to store and sell narcotics at and from the Property to drug users and
28 buyers who are drawn there to purchase and use narcotics.

1 22. Defendants, and Does 1 through 50, are responsible for conducting,
2 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff
3 has no plain, speedy and adequate remedy at law, and unless Defendants, and Does 1
4 through 50, are restrained and enjoined by order of this Court, they will continue to use,
5 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation
6 and maintenance of the Property, together with the fixtures and appurtenances located
7 therein, for the nuisance complained of herein, to the great and irreparable damage of the
8 public and in violation of California law.

9 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

10 **[Civil Code Section 3479, et seq. --**

11 **Against Defendants and DOES 1 through 50]**

12 23. Plaintiff incorporates by reference Paragraphs 1 through 22 of this Complaint
13 and makes them part of this Second Cause of Action as though fully set forth herein.

14 24. On a continuous and ongoing basis, from an exact date unknown, but since at
15 least March 2017, through the present time, the Property has been owned, operated,
16 occupied, used, and/or directly or indirectly permitted to be occupied and used, in such a
17 manner as to constitute a public nuisance in violation of Civil Code sections 3479 and 3480.
18 The public nuisance, as described herein, is injurious to health, indecent or offensive to the
19 senses, and/or an obstruction to the free use of property, so as to substantially and
20 unreasonably interfere with the comfortable enjoyment of life or property by those persons
21 living in the surrounding community. The public nuisance at the Property consists of, but is
22 not limited to: narcotics sales drawing in parades of narcotics users and buyers to the
23 Property; criminal threats; possession of a firearm; possession of dangerous weapons; and
24 vandalism.

25 25. Defendants, and Does 1 through 50, in owning, conducting, maintaining, and/or
26 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
27 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
28 law-abiding persons in the area surrounding the Property.

26. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the purpose complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

PRAYER

**WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
DECREE AS FOLLOWS:**

AS TO THE FIRST CAUSE OF ACTION

1. That Defendants, Does 1 through 50, and the Property, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

3. That the Court grant a preliminary injunction, permanent injunction and order of abatement in accordance with Section 11570, et. seq., of the California Health and Safety Code, enjoining and restraining each Defendant and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property, and/or directly or indirectly maintaining or permitting such nuisance activity.

4. That the Court order physical and managerial improvements to the Property in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, a prohibition on Defendant Oscar Robledo's presence at or within 1000 feet of the Property at any time, for any reason; prohibiting known narcotics users and dealers from accessing the Property; and strict limitations on who else may be present on the Property at all times.

1
2 5. That as part of the Judgment, an Order of Abatement be issued, and that the
3 Property be closed for a period of one year, not to be used for any purpose, and be under the
4 control and custody of this Court for said period of time; or, in the alternative, if the Court
5 deems such closure to be unduly harmful to the community, that Defendants, and Does 1
6 through 50, pay an amount of damages equal to the fair market rental value of the Property
7 for one year to the City or County in whose jurisdiction the nuisance is located in accordance
8 with Health and Safety Code section 11581 subdivision (c)(1).

9 6. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an
10 amount not to exceed twenty-five thousand dollars (\$25,000.00).

11 7. That all fixtures and moveable property used in conducting, maintaining, aiding or
12 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
13 provided for the sale of chattels under execution. Said fixtures and property shall be
14 inventoried and a list prepared and filed with this Court.

15 8. That there shall be excepted from said sale, such property to which title is
16 established in some third party not a defendant, nor agent, officer, employee or servant of any
17 defendant in this proceeding.

18 9. That the proceeds from said sale be deposited with this Court for payment of the
19 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,
20 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such
21 other costs as the Court shall deem proper.

22 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
23 allowances, the Property shall also be sold under execution issued upon the order of the
24 Court or judge and the proceeds of such sale shall be applied in a like manner. That any
25 excess monies remaining after payment of approved costs shall be delivered to the owner of
26 said property. Ownership shall be established to the satisfaction of this Court.

27 11. That Defendants, Does 1 through 50, and any agents, trustees, officers,
28 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually

1 enjoined from transferring, conveying, or encumbering any portion of the Property, for
2 consideration or otherwise, without first obtaining the Court's prior approval.

3 12. That Defendants, and Does 1 through 50, be ordered to immediately notify any
4 transferees, purchasers, commercial lessees, or other successors in interest to the subject
5 Property of the existence and application of any temporary restraining order, preliminary
6 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
7 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
8 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
9 the subject of this Action.

10 13. That Defendants, and Does 1 through 50, be ordered to immediately give a
11 complete, legible copy of any temporary restraining order and preliminary and permanent
12 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
13 to the Property.

14 14. That Defendants, and Does 1 through 50, be ordered to immediately request and
15 procure signatures from all prospective transferees, purchasers, lessees, or other successors
16 in interest to the subject Property, which acknowledges his/her respective receipt of a
17 complete, legible copy of any temporary restraining order, preliminary and permanent
18 injunction, at least 30 days prior to the close of escrow, and deliver a copy of such
19 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Jennifer
20 Varela or her designee.

21 15. That Plaintiff recover the costs of this Action, including law enforcement
22 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
23 \$1,000,000.00, from Defendants and Does 1 through 50.

24 AS TO THE SECOND CAUSE OF ACTION

25 1. That the Property, together with the fixtures and moveable property therein and
26 thereon, be declared a public nuisance and be permanently abated as such in accordance
27 with Civil Code section 3491.

28

2. That each Defendant and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance. Such orders should include, but not be limited to physical and managerial improvements to the Property, stay away orders for persons who have contributed to the nuisance at the Property, including Oscar Robledo, and such other orders as are appropriate to remedy the nuisance on the Property and enhance the abatement process.

3. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

4. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

AS TO ALL CAUSES OF ACTION

1. That Plaintiff recover the amount of the filing fees and the amount of the fee for the service of process or notices which would have been paid but for Government Code section 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of the fees for certifying and preparing transcripts.

2. That Plaintiff be granted such other and further relief as the Court deems just and proper.

DATED: May 10, 2018

Respectfully submitted,

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JONATHAN CRISTALL, Supervising Assist. City Attorney

By:

Juniya Yana

JENNIFER VARELA, Deputy City Attorney

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